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		First Named Inventor	Stana, Ronald J.
		Art Unit	2174
		Examiner Name	Steven Paul Sax
Total Number of Pages in This Submission	10	Attorney Docket Number	230600-000422

ENCLOSURES (check all that apply)

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Attorney's Docket No: 230600-422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stana et al.)
Serial No.: 09/759,660) Confirmation No.: 2699
Filed: January 12, 2001)
Group Art Unit: 2174)
Examiner: Steven Paul Sax)
Title: Method and Apparatus for Launching)
Computer Applications)

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NEW APPEAL BRIEF IN COMPLIANCE WITH 37 CFR 41.37

Real Party in Interest

Acterna, LLC is the real party in interest.

Related Appeals and Interferences

There are no other appeals or interferences, known to the Appellants, or Appellants' legal representatives, which will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

Status of Claims

Claims 1-7 are pending. The November 19, 2004 final rejection of all pending claims is being appealed herein.

Status of Amendments

There were no amendments filed after the final office action of November 19, 2004. Applicants chose to proceed directly with this appeal. All previous papers filed by Applicants have been entered.

Summary of Claimed Subject Matter

The launcher of the present invention presents information from the operating system registry of a computer to the user using hypertext markup language (HTML), so that this information can be displayed by a standard web browser. The information presented includes the applications installed on a system. In some embodiments, the launcher can also present information regarding known applications that are not installed, and highlight these uninstalled applications with a particular visual attribute.

The information in an HTML file created by the claimed launcher application is displayed so that a user can select any one of the applications that is installed as a selected application to launch. If the user selects an application, the launcher determines which application was selected from tags in a hyperlink, stops browser navigation, and starts the selected application. Thus, a user of the launcher can launch any installed application using a Web browser interface as opposed to the standard start menu or file system icons integrated into the operating system graphical user interface.

Claim 1, 3, 5, and 6 are commensurate independent claims that stand rejected under the same art. Claim 1 is an independent method claim. The first element of claim 1 is directed to accessing a registry to determine which applications are installed and where they are installed. This element is shown as 101 of Fig. 1 and discussed in the specification on page 4, lines 17-19. The second element of claim 1 is directed to creating an HTML file specifying the installed applications. This element is shown as 102 of Fig. 1 and is discussed on page 4, line 17 through page 5, line 8. The third element is directed to displaying the HTML file so that a user can select any installed application. This element is illustrated at 103 of Fig. 1, and discussed in the specification at page 5, lines 8-17. The last element in claim 1 is related to allowing a user selection, and launching an application through a browser based on HTML tags. These subprocesses are shown in Fig. 1 at blocks 104, 105, and 106, and are discussed in the specification at page 5, line 17 through page 6, line 6.

Claim 3 is a computer program product claim. It is commensurate with claim 1, discussed immediately above, and thus support and discussion of the operation of the computer program product as claimed occurs in the specification and drawings as discussed above. In

addition, portions of the instructions claimed can reside in the system shown in Fig. 7 in processor 702, memory 703, and media 705 and 706. This system and the nature of the computer program product in general is further discussed in the specification at page 7, line 13 through page 8, line 22. At least an exemplary portion of computer program code instructions for creating the HTML file in some embodiments is illustrated in Fig. 2, and at least some portions of the computer program code instructions for displaying HTML in a browser and allowing user selection of applications in some embodiments is illustrated in Figures 3-5. These computer program code instructions are further discussed in the specification at page 6, line 8 through page 7, line 12.

Claim 5 is a means-plus-function claim, and each claim element is a means-plus-function claim element. Claim 5 is also commensurate with claim 1. The function of the first element of claim 5 is accessing a registry to determine which applications are installed and where they are installed. Acts related to this function are shown as 101 of Fig. 1 and discussed in the specification on page 4, lines 17-19. The means for performing this function is the system of Fig. 7 in combination with installed computer program code instructions. The function in the second element of claim 5 is creating an HTML file specifying the installed applications. Acts related to this function are shown as 102 of Fig. 1 and are discussed on page 4, line 17 through page 5, line 8. The means for performing this function is the system of Fig. 7 in combination with installed computer program code instructions, which may include the computer program code instructions shown in Fig. 2 and discussed in the specification at page 6, lines 9-15. The function in the third element of claim 5 is the displaying of an HTML file in a browser so that a user can select any of the installed applications. Acts related to this element are illustrated at 103 of Fig. 1, and discussed in the specification at page 5, lines 8-17. The means for performing this function is the system of Fig. 7 in combination with installed computer program code instructions, which may include at least some of the computer program code instructions shown in the figures and discussed in the specification at page 6, line 8 through page 7, line 12. The function of the last element of claim 5 is related to allowing a user selection, and launching an application through a browser based on HTML tags. Acts related to this function are shown in Fig. 1 at blocks 104, 105, and 106, and are discussed in the specification at page 5, line 17 through page 6, line 6. The means for performing this function is the system of Fig. 7 in combination with installed computer

program code instructions, which may include at least some of the computer program code instructions shown in the figures and discussed in the specification at page 6, line 8 through page 7, line 12.

Claim 6 is a computer system claim directed to the system of claim 7 performing the method of claim 1. As such, the discussion of claim 1, above, is directly applicable. The first element of claim 6 is directed to accessing a registry to determine which applications are installed and where they are installed. This element is shown as 101 of Fig. 1 and discussed in the specification on page 4, lines 17-19. The second element of claim 6 is directed to creating an HTML file specifying the installed applications. This element is shown as 102 of Fig. 1 and is discussed on page 4, line 17 through page 5, line 8. The third element is directed to displaying the HTML file so that a user can select any installed application. This element is illustrated at 103 of Fig. 1, and discussed in the specification at page 5, lines 8-17. The last element in claim 6 is related to allowing a user selection, and launching an application through a browser based on HTML tags. These subprocesses are shown in Fig. 1 at blocks 104, 105, and 106, and are discussed in the specification at page 5, line 17 through page 6, line 6.

Grounds of Rejection to be Reviewed on Appeal

Claims 1-7 are rejected as anticipated under 35 U.S.C. § 102(e) by U.S. Patent 6,026,437 to Muschett et al. ("Muschett").

Arguments

The Examiner has finally rejected all of Applicants' claims under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,026,437 to Muschett et al. Applicants respectfully disagree with the Examiner's characterization of their invention in view of Muschett. It is axiomatic that, in order for a claim to be anticipated, the cited reference must teach every element of the claim, either expressly or inherently. M.P.E.P. § 2131. All of Applicants' claims have recitations for which no corresponding teaching or disclosure can be found in Muschett.

Among others, the following recitations can be found in all of claims 1, 3, 5, and 6 directly, and in all of claims 2, 4, and 7 through dependence. Applicants' claims recite "accessing a registry to determine which applications are installed," "creating a hypertext markup language

(HTML) file specifying the applications that are installed," and "displaying the HTML file in a browser so that a user can select *any one of the applications that is installed* as a selected application to launch. . . ." (Emphasis added.) As is well-known by those of skill in the art, a registry is a portion of a computer operating system, which specifies information about how the computer is configured, including what applications are installed. These applications can be word processors, games, photo editors, etc., basically any type of application that the computer system is capable of running. There is no discussion or suggestion in Muschett of accessing a registry to determine which applications are installed. The word "registry" does not even occur in Muschett. There is no creation of an HTML file specifying the applications installed as determined by accessing the registry. And there is no provision to allow a user to select any one of the applications that is installed by selecting an application displayed as part of an HTML file. Instead, Muschett allows a user to access only HTML code related to an applet in a Java JAR file that has been set up to be accessed over the Internet. While an applet may be able to start some specified program or application, there is no teaching of such a file or applet accessing the registry to determine installed applications, and then allowing a user to start any of those applications. Thus, Applicants' claims are patentable over Muschett for at least the above reasons.

The Examiner has cited specific references to text of the Muschett patent and made conclusory statements regarding how the recitations in Applicants' claims are contained in the referenced text. However, the Examiner has not provided any evidence or reasoning to support these positions. Even if the Examiner has drawn some analogy between the recitations in Applicants' claims and the cited portions of Muschett, Applicants submit that such an analogy is improper because it runs directly contrary to what Applicants claim. Applicants have examined the specific text references that the Examiner has provided, and literally cannot find the teaching that the Examiner submits is there. For example, the Examiner has cited col. 8, lines 5-17 and lines 30-45 of Muschett for the concept of accessing a registry, yet there is no discussion or suggestion of accessing a registry in col. 8, lines 5-17 and 30-45 of Muschett. Rather, this portion of Muschett discusses filling out form fields on a web page. The Examiner has cited col. 6, lines 15-25 or col. 7, lines 50-67 as teaching a displayed HTML file that provides for a user to be able to launch any of the installed applications on a computer system. The former discusses

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generic web browser technology and the latter discusses how a web server operates, including the use of CGI scripts, which do not provide or even contemplate the capability of launching any installed application. Applicants' invention as claimed does not even require the use of a server.

The recitations already discussed are contained in dependent claims 2, 4, and 7 through their dependence from other claims. Thus, claims 2, 4, and 7 are patentable for at least the reasons presented above. However, the Examiner has also cited Muschett, col. 8, lines 55-65 as teaching the recitation directly contained in these dependent claims, that the HTML file generated by Applicants' launcher application can display applications that are known but not installed, and highlight these applications with a specific visual attribute. There is no such discussion of these features at col. 8, lines 55-65 of Muschett, only a general discussion of how an HTML document can be scrolled and various links therein can be activated with a keyboard and mouse. Thus, claims 2, 4, and 7 are patentable over Muschett for at least this additional reason.

Conclusion

For the reasons state above, Applicants respectfully submit that the rejection standing in this application is improper. The Examiner has failed to establish a prima facie case of anticipation under 35 U.S.C. § 102(e). Therefore, Applicants respectfully submit that claims 1-7 are in condition for allowance. Accordingly, the reversal of the rejection of claims 1-7 is respectfully requested.

Respectfully submitted,

Date: 7 June 05

By:



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Appendix

The following is a clean copy of the claims involved in this appeal.

1. A method of launching a selected application on a computer, the method comprising the steps of:

accessing a registry to determine which applications are installed and where each application is installed;

creating a hypertext markup language (HTML) file specifying the applications that are installed;

displaying the HTML file in a browser so that a user can select any one of the applications that is installed as a selected application to launch; and

if the user selects an application as the selected application, determining the location of the selected application from tags in the HTML file and launching the selected application without allowing the browser to navigate to the application.

2. The method of claim 1 wherein the HTML file lists applications that are known but not installed and the file is displayed in the displaying step so as to show applications that are known but not installed with a specific visual attribute.

3. A computer program product for launching a selected application on a computer, the computer program product including a computer program comprising:

instructions for accessing a registry to determine which applications are installed and where each application is installed;

instructions for creating a hypertext markup language (HTML) file specifying the applications that are installed;

instructions for displaying the HTML file in a browser so that a user can select any one of the applications that is installed as a selected application to launch; and

instructions for determining if and when a user has selected an application as the selected application, and determining the location of the selected application from tags in the HTML file

and launching the selected application without allowing the browser to navigate to the selected application.

4. The computer program product of claim 3 wherein the HTML file lists applications that are known but not installed and the file is displayed by the instructions for displaying so as to show applications that are known but not installed with a specific visual attribute.

5. Apparatus for launching a selected application on a computer, the apparatus comprising:

means for accessing a registry to determine which applications are installed and where each application is installed;

means for creating a hypertext markup language (HTML) file specifying the applications that are installed;

means for displaying the HTML file in a browser so that a user can select any one of the applications that is installed as a selected application to launch; and

means for determining if and when a user has selected an application as the selected application, and determining the location of the selected application from tags in the HTML file and launching the selected application without allowing the browser to navigate to the application.

6. A programmed computer system, the programmed computer system operable to launch a selected application on a computer by performing the steps of:

accessing a registry to determine which applications are installed and where each application is installed;

creating a hypertext markup language (HTML) file specifying the applications that are installed;

displaying the HTML file in a browser so that a user can select any one of the applications that is installed as a selected application to launch; and

if the user selects an application as the selected application, determining the location of the selected application from tags in the HTML file and launching the selected application without allowing the browser to navigate to the application.

7. The computer system of claim 6 wherein the HTML file lists applications that are known but not installed and the file is displayed in the displaying step so as to show applications that are known but not installed with a specific visual attribute.